

### REMARKS

Claims 1-20 are pending. Claims 12-17 are withdrawn. By this Amendment, new claims 21-22 are added, and claims 5, 8, and 20 are amended to have a conjunction (i.e., “and”) between the last two compounds. The specification is amended to capitalize all trademarks in pages 9-10 and 14-15. The new claims 21-22 depend on claims 18 and 19 respectively. No new matter is introduced by this Amendment.

Applicants thank the Examiner for a careful reading of the application. Claims 1-11 and 18-20 stand rejected. Applicants respectfully request reconsideration of the pending rejections and objections based on the following comments.

### Affirmation of Election

Applicants affirm the election of Group 1, claims 1-11 and 18-20 with traverse. Claims 12-17 are withdrawn from further consideration. Applicants respectfully submit that claims 12-17 involve the same inventive concept as the other claims. Under MPEP 601, a restriction is proper only when there is a significant burden to examine the additional claims. Since claims 12-17 involve the same inventive concept, Applicants submit that no significant additional effort would be required to examine claims 12-17 with other claims.

### Claim Objections

Claims 5 and 20 were objected to because the Markush group of hydrazone compounds in each claim did not have a conjunction (i.e., “and”) between the last two compounds. Applicants have amended claims 5 and 20 to have a conjunction (i.e., “and”) between the last two compounds. Applicants respectfully request that the Examiner withdraw the objections.

Double Patenting Rejection

(A) Claims 5, 8 and 20 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 4, 11 and 26 of copending Application No. 10/749,174. The copending Application No. 10/749,174 is expressly abandoned under 37 CFR 1.138. This application has a higher priority than the copending Application No. 10/749,174 because this application claimed priority to the Provisional Application No. 60/421,182 filed on 10/28/2002 whereas the latter claimed priority to the Provisional Application No. 60/443,919 filed on 1/31/2003.

In view of the above comments, Applicants respectfully request withdrawal of the rejection of claims 5, 8 and 20 under 35 U.S.C. § 101 as claiming the same invention as that of claims 4, 11 and 26 of copending Application No. 10/749,174.

(B) Claims 1-4, 7, 9-11, 18 and 19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 and 23-26 of copending Application No. 110/749,174. The copending Application No. 10/749,174 is expressly abandoned under 37 CFR 1.138.


In view of the above comments, Applicants respectfully request withdrawal of the rejection of claims 1-4, 7, 9-11, 18 and 19 under the judicial doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 and 23-26 of copending Application No. 110/749,174.

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kam Law', written in a cursive style.

Kam W. Law  
Registration No. 44,205

Customer No. 24113  
Patterson, Thunte, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (612) 252-1549